



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/006

Judgment No.: UNDT/2020/075

Date: 28 May 2020

Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

RUSSO-GOT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Jameel Baasit, UNOPS

Introduction

1. On 5 February 2019, the Applicant, a former Project Manager at the United Nations Office of Project Services, filed this application in which he challenges the decisions not to select him for the positions of Business Development Specialist at the P-3 level and Process Design Advisor at the P-4 level.
2. On 7 March 2019, the Respondent duly filed his reply in which he claims that the application is without merit.
3. On 1 April 2020, the case was assigned to the undersigned Judge.
4. By Order No. 61 (NY/2020) dated 3 April 2020, the Tribunal ordered:
 - a. The Respondent to file, by 27 April 2020, the UNOPS rules according to which the relevant selection exercises were conducted, and all relevant documentation as to how the respective written tests were conducted and graded in reference to the Applicant;
 - b. The parties to file, by 27 April 2020, a jointly-signed statement providing consolidated lists of the agreed and disputed facts; and
 - c. The parties to file their closing statements in the following sequence: the Applicant (11 May 2020), the Respondent (18 May 2020), and the Applicant (25 May 2020).
5. The Tribunal further instructed the parties that, unless otherwise ordered, on receipt

case, it is not renewed. In line herewith, the Tribunal refers to the Appeals Tribunal in *Nouinou* 2019-UNAT-902, paras. 31 and 32.

12. In line with Order No. 61 (NY/2020), the issues in the present case may therefore be defined as:

15. In line herewith, the Appeals Tribunal stated in *Verma* 2018-UNAT-829 (affirmed in *Kinyanjui* 2019-UNAT-932) that, In terms of the discretion vested in the Administration, under Article 101(1) of the United Nations Charter and Staff Regulations 1.2(c) and 4.1, the Secretary-General has broad discretion in matters of staff selection. The jurisprudence of the Appeals Tribunal has clarified that, in reviewing such decisions, it is the role of the Tribunals to assess whether the applicable regulations and rules have been applied and whether they were applied in a fair, transparent and non-discriminatory manner. (dis)7(c)4(r)-6(e)4(ti)-3(on)20()-109(in)18()-109(m)

System dated 13 April 2020. UNOPS failed to assign the Applicant to a suitable position similar to other UNOPS colleagues [names redacted] (double standard, s) ;

b. The Applicant had filed a case with

f. For both positions, it is a very reasonable supposition that only the Applicant [held] all mandatory requested education and certifications/diplomas as per the Vacancy Announcement requirements

